

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CALVIN MCKELTON,

Petitioner,

v.

WARDEN, Chillicothe
Correctional Institution,

Respondent.

Case No. 1:18-cv-134

District Judge Algenon L. Marbley
Magistrate Judge Kimberly A. Jolson

ORDER

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action pursuant to 28 U.S.C. § 2254. This matter is before the Court on Petitioner's *pro se* motion to dismiss claim three of his habeas petition, (Doc. 104), as well as Petitioner's Notice of Withdrawal of that motion, which was filed by counsel. (Doc. 105).

On April 8, 2024, Petitioner filed a *pro se* motion to dismiss claim three of his petition, on the basis that claim three "does not apply to Petitioner." (Doc. 104 at PAGEID # 9971). But on January 3, 2025, Petitioner, through counsel, filed a Notice of Withdrawal of that motion, with an attached declaration in support signed by Petitioner. (Docs. 105, 105-1).

For good cause shown, the Court **GRANTS** Petitioner's request to withdraw his *pro se* motion to dismiss count three. (Doc. 105). The Clerk of Court shall **TERMINATE** the previously filed *pro se* motion to dismiss claim three, (Doc. 104), as **MOOT**.

IT IS SO ORDERED.

Date: January 3, 2025

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE